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3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**

5 In the Matter of Enforcement Action Against:
6 Jane Hague re: Jane Hague 2007 Campaign;
7 Jane Hague Surplus Funds Account; Jane
8 Hague 2005 Campaign,
Respondent.

PDC CASE NOS. 08-002, 08-003,
08-068

FINAL ORDER

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10 This matter came for before the Washington State Public Disclosure Commission on
11 September 27, 2007 at the PDC Office, 711 Capitol Way, Room 206, Olympia,
12 Washington. Those present included Bill Brumsickle, Commission Chair; Ken Schellberg,
13 Vice Chair; David Seabrook, Secretary; Jane Noland, Member; and, Earl Tilly, Member
14 (present via telephone). Also present were PDC Executive Director Vicki Rippie; PDC
15 Director of Compliance Phil Stutzman; Linda A. Dalton, Senior Assistant Attorney General
16 representing PDC Staff; Mark C. Lamb, legal counsel representing Respondent Jane Hague;
17 and, Nancy Krier, General Counsel for the Commission. The proceedings were open to the
18 public and were recorded.
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21 This matter involved allegations that the Respondent committed multiple violations
22 of RCW 42.17 in 2007 and 2005 with regard to her 2007 campaign, her Surplus Fund
23 Account, and her 2005 campaign. The allegations were provided in citizen action letters

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1 from Richard L. Pope, Jr. which were submitted in June and August 2007¹ to the Attorney
2 General's Office pursuant to RCW 42.17.400(4), and copies to local prosecutors and to the
3 PDC. The letters were forwarded by the Attorney General's Office to the PDC for
4 investigation. The allegations in the letters were investigated in three cases: PDC Case
5 Nos. 08-002 (Jane Hague 2007 Campaign), 08-003 (Jane Hague Surplus Funds Account),
6 and 08-068 (2005 Jane Hague Campaign for King County Council).²

8 PDC Staff submitted to the Commission Amended Notice of Charges in Case No.
9 08-002 (which also addressed Case No. 08-003), Amended Reports of Investigation in Case
10 No. 08-002 and Case No. 08-003, Notice of Administrative Charges in Case No. 08-068,
11 and Report of Investigation in Case No. 08-068. The Commission also received copies of
12 the referenced exhibits in these documents, including the citizen action letters. The parties
13 submitted to the Commission a proposed Stipulation as to Facts, Violations and Penalty
14 (Stipulation) dated September 26, 2007 for Case Nos. 08-002, 08-003, and 08-068. PDC
15 Staff also submitted a memorandum summarizing penalties assessed in comparable cases.

17 PDC Staff also submitted a September 26, 2007 Memorandum from Mr. Stutzman
18 titled "Recommendation – 45-Day Citizen Action Letters Filed Against Jane Hague, Re:
19 Jane Hague 2007 Campaign (Case No. 08-002); Jane Hague Surplus Funds Account (Case
20 No. 08-003); and Jane Hague 2005 Campaign (Case No. 08-068)." Copy attached. Mr.
21 Stutzman's memorandum described that for several of the allegations in the citizen action
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25 ¹ Two citizen action letters were submitted by Mr. Pope in June 2007 (both dated June 26, 2007 and submitted
26 on or about the same time; the first letter was stamped received by the PDC on June 27, 2007). These are
referred to as the June or June 27 letter(s). The Stipulation collectively refers to the June letters as one letter.
A third citizen action letter was submitted by Mr. Pope in August 2007 (dated August 31, 2007 and stamped
received by the PDC August 31, 2007). The allegations in the three letters were investigated under three case
numbers. See September 26, 2007 memorandum from Mr. Stutzman.

² Case No. 08-068 is also referred to as the Jane Hague 2005 Campaign.

1 letters, no further action was recommended because the PDC Staff investigation found no
2 evidence of material violations of RCW 42.17.

3 Ms. Dalton made an oral presentation to the Commission. Mr. Lamb made a
4 statement to the Commission on behalf of Ms. Hague, and also made a brief oral
5 presentation. The parties also made an oral correction to the proposed Stipulation to
6 explain that the references to the C-3 reports on line 16 page 5, and line 1 page 6, are in
7 error and the only reports that are to be referenced on those pages are C-4 reports.
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9 Following consideration, the Commission unanimously voted to accept the
10 Stipulation. The Commission also voted unanimously to dismiss the remaining allegations
11 in the citizen action letters from Mr. Pope as provided in the PDC Staff recommendations in
12 the September 26, 2007 memorandum from Mr. Stutzman.
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14 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

15 Based upon the Stipulation, which is hereby attached and incorporated by reference,
16 the Commission finds:

17 1. The Jurisdiction, Facts, Violations, and Penalty are established as provided
18 in the Stipulation.

19 2. The Respondent committed multiple violations of RCW 42.17 as provided in
20 the Stipulation.

21 **II. ORDER**

22 Based upon the findings and conclusions, the Commission orders that:

23 1. The Stipulation is accepted.

24 2. The Respondent is assessed a civil penalty as provided in the Stipulation in a
25 total amount of \$9,500, with \$1,500 suspended as provided in the terms in the Stipulation.

26 3. The remaining allegations in the citizen action letters, as described in the
September 26, 2007 memorandum from Mr. Stutzman, will be dismissed and no further

1 enforcement action will be taken. The investigation showed no evidence of material
2 violations of RCW 42.17 had occurred with respect to these allegations.

3 4 **III. APPEALS**

5 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

6 Any party may ask the Commission to reconsider this final order. Parties must
7 place their requests for reconsideration in writing, include the specific grounds or reasons
8 for the request, and deliver the request to the Public Disclosure Commission Office within
9 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order
10 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished
11 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if
12 personal service is made. RCW 34.05.010(19). The Commission orders are generally
13 mailed via U.S. mail.
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15 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have
16 denied the petition for reconsideration if, within twenty (20) business days from the date the
17 petition is filed, the Commission does not either dispose of the petition or serve the parties
18 with written notice specifying the date by which it will act on the petition. Pursuant to
19 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
20 Commission to reconsider the final order before seeking judicial review by a superior court.
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22 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

23 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
24 Commission is subject to judicial review under the Administrative Procedures Act, chapter
25 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
26 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston

1 County or the petitioner's county of residence or principal place of business. The petition
2 for judicial review must be served on the Public Disclosure Commission and any other
3 parties within **30 days** of the date that the Public Disclosure Commission serves this final
4 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
5 shall be by delivery of a copy of the petition to the office of the director, or other chief
6 administrative officer or chairperson of the agency, at the principal office of the agency.
7 Service of a copy by mail upon the other parties of record and the office of the attorney
8 general shall be deemed complete upon deposit in the United States mail, as evidenced by
9 the postmark."
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11 If reconsideration is properly sought, the petition for judicial review must be served
12 on the Public Disclosure Commission and any other parties within thirty (30) days after the
13 Commission acts on the petition for reconsideration.
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15 **IV. ENFORCEMENT OF FINAL ORDERS**

16 The Commission will seek to enforce this final order in superior court under RCW
17 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
18 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
19 will be taken without further order by the Commission.
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21 The Executive Director is authorized to enter this order on behalf of the
22 Commission.

23 DATED THIS 4th day of October, 2007.

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25 FOR THE COMMISSION:

26 Vicki Rippie

VICKI RIPPIE, Executive Director

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2 *Attachments:* Stipulation as to Facts, Violations and Penalty dated September 26, 2007
3 September 26, 2007 Memorandum from Mr. Stutzman

4 *Date of mailing:*

5 Thursday, October 4, 2007
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7 *Copies mailed to:*

8 Mark C. Lamb, Attorney for Respondent
9 Linda A. Dalton, Senior Assistant Attorney General

10 The Honorable Robert M. McKenna, Attorney General
11 The Honorable Dan Satterberg, Interim King County Prosecuting Attorney
12 The Honorable Edward G. Holm, Thurston County Prosecuting Attorney

13 Richard L. Pope, Jr.
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